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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 756,597	01 05 2001	Prodromos Pericles Stephanos	STEP-00-001	4758

7590 03 26 2002

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[REDACTED] EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
1714	

DATE MAILED: 03 26 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	Examiner	Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE  
OF THIS COMMUNICATION.

3

MONTH(S) FROM THE MAILING DATE

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- Responsive to communication(s) filed on \_\_\_\_\_
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

#### Disposition of Claims

<input checked="" type="checkbox"/> Claim(s) <u>1-22</u>	is/are pending in the application.
<input type="checkbox"/> Of the above claim(s) _____	is/are withdrawn from consideration.
<input type="checkbox"/> Claim(s) _____	is/are allowed.
<input checked="" type="checkbox"/> Claim(s) <u>1-22</u>	is/are rejected.
<input type="checkbox"/> Claim(s) _____	is/are objected to.
<input type="checkbox"/> Claim(s) _____	are subject to restriction or election requirement

#### Application Papers

- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

#### Attachment(s)

Information Disclosure Statement PTO-146

Notice of References Cited PTO-892

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application PTO-145

Other

Office Action Summary

## **DETAILED ACTION**

### ***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no support in the specification for the limitations of claim 19, the proportions of claim 20 and 21 and the limitation (e) of claim 21. These limitations should be inserted in an appropriate place in the specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

**The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

Claims 10, 16, 19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are rejected because the term "short" is a relative term that has no comparative value.

### ***Claim Rejections - 35 USC § 103***

obviousness rejections set forth in this Office action.

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkins (5,252,107) in view of Wesley (5,773,706).

Wilkins teaches a lighter fluid composition comprising from about 15 to about 30 weight % of a terpene, from about 40 to about 70% of an alcohol, from about 10 to about 30 weight % water and from about 1 to 2% surfactant (see col. 3, lines 41-63). Wilkins teaches the limitations of the of the claims other than the difference that are discussed below.

In the first aspect, Wilkins differs from the claim in that he does not specifically teach that the lighter fluid contains a thicker. However, Wesley teaches that cross-linked polyacrylic thickening agents are used to thicken fuels, such as charcoal lighter fluid.

It would have been obvious to one of ordinary skill in the art to have added a thicker to the fluid of Wilkins because Wesley teaches that the cross-linked polymers of his invention are added to alcoholic base lighter fluids, such as those taught by Wilkins

In the second aspect, Wilkins differs from the claims in that he does not teach that the alcohol is methanol or ethanol. However, this difference is not deemed to be unobvious because Wilkins teaches homologues of the claimed alcohols. Therefore it would be reasonable to expect that given the close structural similarity of the

properties See MPEP 2144 09

In the third aspect, Wilkins differs from the claims in that he does not specifically teach that the composition contains aliphatic hydrocarbons. However, it would have been obvious to one of ordinary skill in the art to have included aliphatic hydrocarbons because these compounds are more combustible than the alcohol and improve the quality of the fuel.

The prior art made of record but not relied upon is cited for teaching lighter fluid compositions that contains thickeners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9310 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Cephia D. Toomer  
Examiner  
Art Unit 1714

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Examiner Toomer/ng

March 15, 2002